

AMENDED IN ASSEMBLY JUNE 19, 2003

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 364

Introduced by Senator Figueroa

February 19, 2003

An act to amend Sections 144, 473.3, 2001, 2020, 2099.5, 2153.5, 2220.1, 2531, 3010.1, and ~~3014.6~~, 3014.6, 6732, 6732.3, and 6732.4 of the Business and Professions Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 364, as amended, Figueroa. Licensing boards.

(1) Existing law requires specified boards, commissions, and bureaus in the Department of Consumer Affairs to obtain fingerprint cards from applicants applying for licensure so that they may obtain and receive, at their discretion, criminal history information on the applicant from the Department of Justice and the United States Federal Bureau of Investigation.

This bill would add the Contractors' State License Board to this list.

(2) Existing law establishes the Joint Sunset Review Committee and requires the committee to hold public hearings and evaluate whether a board or regulatory program has demonstrated a need for its continued existence.

This bill would, commencing in 2003 and every 4 years thereafter, require the committee to hold a hearing and receive testimony from the Director of the Department of Consumer Affairs and the Bureau of

Automotive Repair concerning the continued public need of continuing the regulatory program of the bureau.

(3) *Existing law, the Medical Practice Act, creates the Medical Board of California within the Department of consumer Affairs. Existing law authorizes the board to employ an executive director. Existing law requires the executive director to appoint a Medical Board of California Enforcement Program Monitor who is required to submit specified reports to the board, the department, and to the Legislature. Under existing law, the act's provision creating the board and authorizing it to employ individuals become inoperative on July 1, 2005, and are repealed on January 1, 2006.*

This bill would extend the dates on which the provisions creating the board and authorizing board employees become inoperative and are repealed to July 1, 2006, and January 1, 2007, respectively. The bill would change the reporting dates for the program monitor to submit reports.

(4) Existing law, the Osteopathic Act, establishes the Osteopathic Medical Board of California. Under existing law, the board is authorized to issue an originating or reciprocal osteopathic physician and surgeon's certificate to an applicant who satisfies specified criteria, including successfully completing an oral, clinical, and practical examination administered by the board.

This bill would delete the requirement to complete an oral, clinical, and practical examination as a prerequisite for these types of licensure.

~~(4)~~

(5) Existing law, the Speech-Language Pathologists and Audiologists Licensure Act, provides for the licensure of speech-language pathologists by the Speech-Language Pathology and Audiology Board. Under existing law, the board becomes inoperative on July 1, 2005.

This bill would extend this board to July 1, 2006.

~~(5)~~

(6) *Existing law, the Professional Engineers Act, provides for licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors. The act prohibits any person other than a licensed professional engineer from using the title "professional engineer" and certain other similar titles, including the branch titles "corrosion engineer," "manufacturing engineer," "quality engineer," and "safety engineer."*



This bill would delete the title “manufacturing engineer” from the list of prohibited titles. The bill would authorize persons registered in this branch or completing the examination process for this branch prior to January 1, 2004, to continue to use this branch title. The bill would prohibit the board from administering any examination for this branch title on or after January 1, 2004.

(7) Existing law authorizes the Director of the Employment Development Department to permit the use of information in his or her possession for specified purposes.

This bill would additionally authorize the director to release information to the Division of Investigations in the Department of Consumer Affairs to verify the employment history of an individual for investigative purposes concerning a crime or unlawful act.

~~(6)~~

(8) Existing law provides for the licensing and regulation of the practice of optometry by the State Board of Optometry and authorizes the board to employ an executive officer. The board and the executive officer will be terminated on July 1, 2005.

This bill would extend the termination date of the board and the executive officer to January 1, 2007.

~~(7)~~

(9) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 144 of the Business and Professions
2 Code is amended to read:

3 144. (a) Notwithstanding any other provision of law, an
4 agency designated in subdivision (b) shall require an applicant to
5 furnish to the agency a full set of fingerprints for purposes of
6 conducting criminal history record checks. Any agency
7 designated in subdivision (b) may obtain and receive, at its
8 discretion, criminal history information from the Department of
9 Justice and the United States Federal Bureau of Investigation.

10 (b) Subdivision (a) applies to the following boards or
11 committees:

12 (1) California Board of Accountancy.

- 1 (2) State Athletic Commission.
- 2 (3) Board of Behavioral Sciences.
- 3 (4) Court Reporters Board of California.
- 4 (5) State Board of Guide Dogs for the Blind.
- 5 (6) California State Board of Pharmacy.
- 6 (7) Board of Registered Nursing.
- 7 (8) Veterinary Medical Board.
- 8 (9) Registered Veterinary Technician Committee.
- 9 (10) Board of Vocational Nursing and Psychiatric Technicians.
- 10 (11) Respiratory Care Board of California.
- 11 (12) Hearing Aid Dispensers Advisory Commission.
- 12 (13) Physical Therapy Board of California.
- 13 (14) Physician Assistant Committee of the Medical Board of
- 14 California.
- 15 (15) Speech-Language Pathology and Audiology Board.
- 16 (16) Medical Board of California.
- 17 (17) State Board of Optometry.
- 18 (18) Acupuncture Board.
- 19 (19) Cemetery and Funeral Bureau.
- 20 (20) Bureau of Security and Investigative Services.
- 21 (21) Division of Investigation.
- 22 (22) Board of Psychology.
- 23 (23) The California Board of Occupational Therapy.
- 24 (24) The Contractors' State License Board.
- 25 SEC. 2. Section 473.3 of the Business and Professions Code
- 26 is amended to read:
- 27 473.3. (a) Prior to the termination, continuation, or
- 28 reestablishment of any board or any of the board's functions, the
- 29 Joint Legislative Sunset Review Committee shall, during the
- 30 interim recess preceding the date upon which a board becomes
- 31 inoperative, hold public hearings to receive testimony from the
- 32 Director of Consumer Affairs, the board involved, and the public
- 33 and regulated industry. In that hearing, each board shall have the
- 34 burden of demonstrating a compelling public need for the
- 35 continued existence of the board or regulatory program, and that
- 36 its licensing function is the least restrictive regulation consistent
- 37 with the public health, safety, and welfare.
- 38 (b) In addition to subdivision (a), in 2002 and every four years
- 39 thereafter, the committee, in cooperation with the California
- 40 Postsecondary Education Commission, shall hold a public hearing

1 to receive testimony from the Director of Consumer Affairs, the
2 Bureau for Private Postsecondary and Vocational Education,
3 private postsecondary educational institutions regulated by the
4 bureau, and students of those institutions. In those hearings, the
5 bureau shall have the burden of demonstrating a compelling public
6 need for the continued existence of the bureau and its regulatory
7 program, and that its function is the least restrictive regulation
8 consistent with the public health, safety, and welfare.

9 (c) The committee, in cooperation with the California
10 Postsecondary Education Commission, shall evaluate and review
11 the effectiveness and efficiency of the Bureau for Private
12 Postsecondary and Vocational Education, based on factors and
13 minimum standards of performance that are specified in Section
14 473.4. The committee shall report its findings and
15 recommendations as specified in Section 473.5. The bureau shall
16 prepare an analysis and submit a report to the committee as
17 specified in Section 473.2.

18 (d) In addition to subdivision (a), in 2003 and every four years
19 thereafter, the committee shall hold a public hearing to receive
20 testimony from the Director of Consumer Affairs and the Bureau
21 of Automotive Repair. In those hearings, the bureau shall have the
22 burden of demonstrating a compelling public need for the
23 continued existence of the bureau and its regulatory program, and
24 that its function is the least restrictive regulation consistent with
25 the public health, safety, and welfare.

26 (e) The committee shall evaluate and review the effectiveness
27 and efficiency of the Bureau of Automotive Repair based on
28 factors and minimum standards of performance that are specified
29 in Section 473.4. The committee shall report its findings and
30 recommendations as specified in Section 473.5. The bureau shall
31 prepare an analysis and submit a report to the committee as
32 specified in Section 473.2.

33 SEC. 3. *Section 2001 of the Business and Professions Code is*
34 *amended to read:*

35 2001. There is in the Department of Consumer Affairs a
36 Medical Board of California that consists of 21 members, nine of
37 whom shall be public members.

38 The Governor shall appoint 19 members to the board, subject to
39 confirmation by the Senate, seven of whom shall be public
40 members. The Senate Rules Committee and the Speaker of the

1 Assembly shall each appoint a public member, and their initial
2 appointment shall be made to fill, respectively, the first and second
3 public member vacancies that occur on or after January 1, 1983.

4 This section shall become inoperative on July 1, ~~2005~~ 2006,
5 and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
6 statute, which becomes effective on or before January 1, 2006
7 2007, deletes or extends the dates on which it becomes inoperative
8 and is repealed. The repeal of this section renders the board subject
9 to the review required by Division 1.2 (commencing with Section
10 473).

11 *SEC. 4. Section 2020 of the Business and Professions Code is*
12 *amended to read:*

13 2020. The board may employ an executive director exempt
14 from the provisions of the Civil Service Act and may also employ
15 investigators, legal counsel, medical consultants, and other
16 assistance as it may deem necessary to carry into effect this
17 chapter. The board may fix the compensation to be paid for
18 services subject to the provisions of applicable state laws and
19 regulations and may incur other expenses as it may deem
20 necessary. Investigators employed by the board shall be provided
21 special training in investigating medical practice activities.

22 The Attorney General shall act as legal counsel for the board for
23 any judicial and administrative proceedings and his or her services
24 shall be a charge against it.

25 This section shall become inoperative on July 1, ~~2005~~ 2006,
26 and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
27 statute, which becomes effective on or before January 1, 2006
28 2007, deletes or extends the dates on which it becomes inoperative
29 and is repealed.

30 *SEC. 5. Section 2099.5 of the Business and Professions Code*
31 *is amended to read:*

32 2099.5. Notwithstanding any other provision of law, an
33 originating license for an osteopathic physician's and surgeon's
34 certificate issued by the Osteopathic Medical Board of California
35 shall require a written examination that is either prepared or
36 selected by the Osteopathic Medical Board of California. The
37 written examination shall include osteopathic principles and
38 practices and all applicable provisions of Article 4 (commencing
39 with Section 2080). An applicant shall successfully complete the
40 written examination, as determined by the board.

~~SEC. 4.~~

SEC. 6. Section 2153.5 of the Business and Professions Code is amended to read:

2153.5. Notwithstanding any other provisions of law, the Osteopathic Medical Board of California shall issue an osteopathic physician's and surgeon's certificate on reciprocity to an applicant providing he or she meets the following requirements:

(a) The applicant holds an unlimited license to engage in the practice of osteopathic medicine in another state whose written licensing examination is recognized and approved by the board to be equivalent in content to that administered in California. For the purposes of this section, the board may recognize and approve as equivalent, along with other examinations, an examination prepared by the Federation of State Medical Boards if an applicant had been licensed in another state as a result of the successful completion, prior to December 31, 1993, of that examination. In lieu of a board recognized and approved state written license examination, the board may require the applicant to successfully complete a special examination in general medicine and osteopathic principles prepared by the National Board of Osteopathic Medical Examiners, or the Osteopathic Medical Board of California. The board may also utilize a special purpose examination prepared by the Federation of State Medical Boards.

(b) The board determines that no disciplinary action has been taken against the applicant by any medical licensing authority and that the applicant has not been the subject of adverse judgments or settlements resulting from the practice of medicine that the board determines constitutes evidence of a pattern of negligence or incompetence.

~~SEC. 5.~~

SEC. 7. Section 2220.1 of the Business and Professions Code is amended to read:

2220.1. (a) (1) The director shall appoint a Medical Board of California Enforcement Program Monitor prior to March 31, 2003. The director may retain a person for this position by a personal services contract, the Legislature finding, pursuant to Section 19130 of the Government Code, that this is a new state function.

1 (2) The director shall supervise the enforcement program
2 monitor and may terminate or dismiss him or her from this
3 position.

4 (b) The director shall advertise the availability of this position.
5 The requirements for this position include experience in
6 conducting investigations and familiarity with state laws, rules,
7 and procedures pertaining to the board and with relevant
8 administrative procedures.

9 (c) (1) The enforcement program monitor shall monitor and
10 evaluate the disciplinary system and procedures of the board,
11 making as his or her highest priority the reform and reengineering
12 of the board's enforcement program and operations and the
13 improvement of the overall efficiency of the board's disciplinary
14 system.

15 (2) This monitoring duty shall be performed on a continuing
16 basis for a period not exceeding two years from the date of the
17 enforcement program monitor's appointment and shall include,
18 but not be limited to, improving the quality and consistency of
19 complaint processing and investigation, reducing the timeframes
20 for completing complaint processing and investigation, reducing
21 any complaint backlog, assessing the relative value to the board of
22 various sources of complaints or information available to the
23 board about licensees in identifying licensees who practice
24 substandard care causing serious patient harm, assuring
25 consistency in the application of sanctions or discipline imposed
26 on licensees, and shall include the following areas: the accurate
27 and consistent implementation of the laws and rules affecting
28 discipline, appropriate application of investigation and
29 prosecution priorities, particularly with respect to priority cases,
30 as defined in Section 2220.05, board and Attorney General staff,
31 defense bar, licensee, and patients' concerns regarding
32 disciplinary matters or procedures, and the board's cooperation
33 with other governmental entities charged with enforcing related
34 laws and regulations regarding physicians and surgeons. The
35 enforcement program monitor shall also evaluate the method used
36 by investigators in the regional offices for selecting experts to
37 review cases to determine if the experts are selected on an impartial
38 basis and to recommend methods of improving the selection
39 process. The enforcement program monitor shall also evaluate the
40 effectiveness and efficiency of the board's diversion program and

1 make recommendations regarding the continuation of the program
2 and any changes or reforms required to assure that physicians and
3 surgeons participating in the program are appropriately monitored
4 and the public is protected from physicians and surgeons who are
5 impaired due to alcohol or drug abuse or mental or physical illness.

6 (3) The enforcement program monitor shall exercise no
7 authority over the board's discipline operations or staff; however,
8 the board and its staff shall cooperate with him or her, and the
9 board shall provide data, information, and case files as requested
10 by the enforcement program monitor to perform all of his or her
11 duties.

12 (4) The director shall assist the enforcement program monitor
13 in the performance of his or her duties, and the enforcement
14 program monitor shall have the same investigative authority as the
15 director.

16 (d) The enforcement program monitor shall submit an initial
17 written report of his or her findings and conclusions to the board,
18 the department, and the Legislature no later than ~~October 1, 2003,~~
19 ~~and every six months thereafter~~ *September 1, 2004*, and be
20 available to make oral reports ~~to each~~, if requested to do so. The
21 initial report shall include an analysis of the sources of information
22 that resulted in each disciplinary action imposed since January 1,
23 2003, involving priority cases, as defined in Section 2220.05. The
24 enforcement program monitor may also provide additional
25 information to either the department or the Legislature at his or her
26 discretion or at the request of either the department or the
27 Legislature. The enforcement program monitor shall make his or
28 her reports available to the public or the media. The enforcement
29 program monitor shall make every effort to provide the board with
30 an opportunity to reply to any facts, findings, issues, or
31 conclusions in his or her reports with which the board may
32 disagree.

33 (e) The board shall reimburse the department for all of the costs
34 associated with the employment of an enforcement program
35 monitor.

36 (f) The enforcement program monitor shall issue a final report
37 prior to ~~March 31~~ *September 1, 2005*. The final report shall include
38 final findings and conclusions on the topics addressed in the
39 ~~reports~~ *initial report* submitted by the monitor pursuant to
40 subdivision (d).

(g) This section shall become inoperative on ~~March 31, 2005~~
January 1, 2006, and as of January 1, 2006, shall be repealed,
unless a later enacted statute, which is enacted before January 1,
2006, deletes or extends the dates on which it becomes inoperative
and is repealed.

SEC. 8. Section 2531 of the Business and Professions Code is
amended to read:

2531. There is in the Department of Consumer Affairs a
Speech-Language Pathology and Audiology Board in which the
enforcement and administration of this chapter is vested. The
Speech-Language Pathology and Audiology Board shall consist of
nine members, three of whom shall be public members.

This section shall become inoperative on July 1, 2006, and, as
of January 1, 2007, is repealed, unless a later enacted statute, that
becomes effective on or before January 1, 2007, deletes or extends
the inoperative and repeal dates.

~~*SEC. 6.*~~

SEC. 9. Section 3010.1 of the Business and Professions Code
is amended to read:

3010.1. (a) There is in the Department of Consumer Affairs
a State Board of Optometry in which the enforcement of this
chapter is vested. The board consists of 11 members, five of whom
shall be public members.

Six members of the board shall constitute a quorum.

(b) The board shall, with respect to conducting investigations,
inquiries, and disciplinary actions and proceedings, have the
authority previously vested in the board as created pursuant to
Section 3010. The board may enforce any disciplinary actions
undertaken by that board.

(c) This section shall remain in effect only until July 1, 2006,
and, as of January 1, 2007, is repealed, unless a later enacted
statute, that is enacted before January 1, 2007, deletes or extends
that date.

~~*SEC. 7.*~~

SEC. 10. Section 3014.6 of the Business and Professions
Code is amended to read:

3014.6. (a) The board may appoint a person exempt from
civil service who shall be designated as an executive officer and
who shall exercise the powers and perform the duties delegated by
the board and vested in him or her by this chapter.

(b) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 8.~~

SEC. 11. Section 6732 of the Business and Professions Code is amended to read:

6732. It is unlawful for anyone other than a professional engineer licensed under this chapter to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a professional engineer, or in any manner, use the title “professional engineer,” “licensed engineer,” “registered engineer,” or “consulting engineer,” or any of the following branch titles: “agricultural engineer,” “chemical engineer,” “civil engineer,” “control system engineer,” “electrical engineer,” “fire protection engineer,” “industrial engineer,” “~~manufacturing engineer,~~” “mechanical engineer,” “metallurgical engineer,” “nuclear engineer,” “petroleum engineer,” or “traffic engineer,” or any combination of these words and phrases or abbreviations thereof unless licensed under this chapter.

SEC. 12. Section 6732.3 of the Business and Professions Code is amended to read:

6732.3. (a) Any person who has received from the board a registration or license in corrosion, *manufacturing*, quality, or safety engineering, and who holds a valid registration or license to practice professional engineering under this chapter, may continue to use the branch title of the branch in which the professional engineer is legally registered. A person holding a registration in corrosion, *manufacturing*, quality, or safety engineering is subject to the registration or license renewal provisions of this chapter.

(b) The professional engineer also may continue to use the title of “professional engineer,” “licensed engineer,” “registered engineer,” or “consulting engineer.”

SEC. 13. Section 6732.4 of the Business and Professions Code is amended to read:

6732.4. (a) Notwithstanding any other provision of law, any person who has applied for registration as a corrosion, quality, or safety engineer, and who has completed the written examination in one or more of these branch titles prior to January 1, 1999, shall

1 be issued a registration in the branch title for which the applicant
2 was examined, provided that he or she has met all other
3 qualifications for registration. The board shall not administer any
4 examination for registration as a corrosion, quality, or safety
5 engineer on or after January 1, 1999.

6 *(b) Notwithstanding any other provision of law, any person*
7 *who has applied for registration as a manufacturing engineer, and*
8 *who has completed the written examination for this branch title*
9 *prior to January 1, 2004, shall be issued a registration as a*
10 *manufacturing engineer, provided that he or she has met all other*
11 *qualifications for registration. The board shall not administer any*
12 *examination for registration as a manufacturing engineer on or*
13 *after January 1, 2004.*

14 SEC. 14. Section 1095 of the Unemployment Insurance Code
15 is amended to read:

16 1095. The director shall permit the use of any information in
17 his or her possession to the extent necessary for any of the
18 following purposes and may require reimbursement for all direct
19 costs incurred in providing any and all information specified in this
20 section, except information specified in subdivisions (a) to (e),
21 inclusive:

22 (a) To enable the director or his or her representative to carry
23 out his or her responsibilities under this code.

24 (b) To properly present a claim for benefits.

25 (c) To acquaint a worker or his or her authorized agent with his
26 or her existing or prospective right to benefits.

27 (d) To furnish an employer or his or her authorized agent with
28 information to enable him or her to fully discharge his or her
29 obligations or safeguard his or her rights under this division or
30 Division 3 (commencing with Section 9000).

31 (e) To enable an employer to receive a reduction in contribution
32 rate.

33 (f) To enable federal, state, or local government departments or
34 agencies, subject to federal law, to verify or determine the
35 eligibility or entitlement of an applicant for, or a recipient of,
36 public social services provided pursuant to Division 9
37 (commencing with Section 10000) of the Welfare and Institutions
38 Code, or Part A of Title IV of the Social Security Act, where the
39 verification or determination is directly connected with, and
40 limited to, the administration of public social services.

1 (g) To enable county administrators of general relief or
2 assistance, or their representatives, to determine entitlement to
3 locally provided general relief or assistance, where the
4 determination is directly connected with, and limited to, the
5 administration of general relief or assistance.

6 (h) To enable state or local governmental departments or
7 agencies to seek criminal, civil, or administrative remedies in
8 connection with the unlawful application for, or receipt of, relief
9 provided under Division 9 (commencing with Section 10000) of
10 the Welfare and Institutions Code or to enable the collection of
11 expenditures for medical assistance services pursuant to Part 5
12 (commencing with Section 17000) of Division 9 of the Welfare
13 and Institutions Code.

14 (i) To provide any law enforcement agency with the name,
15 address, telephone number, birth date, social security number,
16 physical description, and names and addresses of present and past
17 employers, of any victim, suspect, missing person, potential
18 witness, or person for whom a felony arrest warrant has been
19 issued, when a request for this information is made by any
20 investigator or peace officer as defined by Sections 830.1 and
21 830.2 of the Penal Code, or by any federal law enforcement officer
22 to whom the Attorney General has delegated authority to enforce
23 federal search warrants, as defined under Sections 60.2 and 60.3
24 of Title 28 of the Code of Federal Regulations, as amended, and
25 when the requesting officer has been designated by the head of the
26 law enforcement agency and requests this information in the
27 course of and as a part of an investigation into the commission of
28 a crime when there is a reasonable suspicion that the crime is a
29 felony and that the information would lead to relevant evidence.
30 The information provided pursuant to this subdivision shall be
31 provided to the extent permitted by federal law and regulations,
32 and to the extent the information is available and accessible within
33 the constraints and configurations of existing department records.
34 Any person who receives any information under this subdivision
35 shall make a written report of the information to the law
36 enforcement agency that employs him or her, for filing under the
37 normal procedures of that agency.

38 (1) This subdivision shall not be construed to authorize the
39 release to any law enforcement agency of a general list identifying
40 individuals applying for or receiving benefits.

1 (2) The department shall maintain records pursuant to this
2 subdivision only for periods required under regulations or statutes
3 enacted for the administration of its programs.

4 (3) This subdivision shall not be construed as limiting the
5 information provided to law enforcement agencies to that
6 pertaining only to applicants for, or recipients of, benefits.

7 (4) The department shall notify all applicants for benefits that
8 release of confidential information from their records will not be
9 protected should there be a felony arrest warrant issued against the
10 applicant or in the event of an investigation by a law enforcement
11 agency into the commission of a felony.

12 (j) To provide public employee retirement systems in
13 California with information relating to the earnings of any person
14 who has applied for or is receiving a disability income, disability
15 allowance, or disability retirement allowance, from a public
16 employee retirement system. The earnings information shall be
17 released only upon written request from the governing board
18 specifying that the person has applied for or is receiving a
19 disability allowance or disability retirement allowance from its
20 retirement system. The request may be made by the chief executive
21 officer of the system or by an employee of the system so authorized
22 and identified by name and title by the chief executive officer in
23 writing.

24 (k) To enable the Division of Labor Standards Enforcement in
25 the Department of Industrial Relations to seek criminal, civil, or
26 administrative remedies in connection with the failure to pay, or
27 the unlawful payment of, wages pursuant to Chapter 1
28 (commencing with Section 200) of Part 1 of Division 2 of, and
29 Chapter 1 (commencing with Section 1720) of Part 7 of Division
30 2 of, the Labor Code.

31 (l) To enable federal, state, or local governmental departments
32 or agencies to administer child support enforcement programs
33 under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et
34 seq.).

35 (m) To provide federal, state, or local governmental
36 departments or agencies with wage and claim information in its
37 possession that will assist those departments and agencies in the
38 administration of the Victims of Crime Program or in the location
39 of victims of crime who, by state mandate or court order, are
40 entitled to restitution that has been or can be recovered.



1 (n) To provide federal, state, or local governmental
2 departments or agencies with information concerning any
3 individuals who are or have been:

4 (1) Directed by state mandate or court order to pay restitution,
5 fines, penalties, assessments, or fees as a result of a violation of
6 law.

7 (2) Delinquent or in default on guaranteed student loans or who
8 owe repayment of funds received through other financial
9 assistance programs administered by those agencies. The
10 information released by the director for the purposes of this
11 paragraph shall not include unemployment insurance benefit
12 information.

13 (o) To provide an authorized governmental agency with any or
14 all relevant information that relates to any specific workers'
15 compensation insurance fraud investigation. The information
16 shall be provided to the extent permitted by federal law and
17 regulations. For the purposes of this subdivision, "authorized
18 governmental agency" means the district attorney of any county,
19 the office of the Attorney General, the Department of Industrial
20 Relations, and the Department of Insurance. An authorized
21 governmental agency may disclose this information to the State
22 Bar, the Medical Board of California, or any other licensing board
23 or department whose licensee is the subject of a workers'
24 compensation insurance fraud investigation. This subdivision
25 shall not prevent any authorized governmental agency from
26 reporting to any board or department the suspected misconduct of
27 any licensee of that body.

28 (p) To enable the Director of the Bureau for Private
29 Postsecondary and Vocational Education, or his or her
30 representatives, to access unemployment insurance quarterly
31 wage data on a case-by-case basis to verify information on school
32 administrators, school staff, and students provided by those
33 schools who are being investigated for possible violations of
34 Chapter 7 (commencing with Section 94700) of Part 59 of the
35 Education Code.

36 (q) To provide employment tax information to the tax officials
37 of Mexico, if a reciprocal agreement exists. For purposes of this
38 subdivision, "reciprocal agreement" means a formal agreement to
39 exchange information between national taxing officials of Mexico
40 and taxing authorities of the State Board of Equalization, the

1 Franchise Tax Board, and the Employment Development
2 Department. Furthermore, the reciprocal agreement shall be
3 limited to the exchange of information that is essential for tax
4 administration purposes only. Taxing authorities of the State of
5 California shall be granted tax information only on California
6 residents. Taxing authorities of Mexico shall be granted tax
7 information only on Mexican nationals.

8 (r) To enable city and county planning agencies to develop
9 economic forecasts for planning purposes. The information shall
10 be limited to businesses within the jurisdiction of the city or county
11 whose planning agency is requesting the information, and shall not
12 include information regarding individual employees.

13 (s) To provide the State Department of Developmental
14 Services with wage and employer information that will assist in the
15 collection of moneys owed by the recipient, parent, or any other
16 legally liable individual for services and supports provided
17 pursuant to Chapter 9 (commencing with Section 4775) of
18 Division 4.5 of, and Chapter 2 (commencing with Section 7200)
19 and Chapter 3 (commencing with Section 7500) of Division 7 of,
20 the Welfare and Institutions Code.

21 (t) Nothing in this section shall be construed to authorize or
22 permit the use of information obtained in the administration of this
23 code by any private collection agency.

24 (u) The disclosure of the name and address of an individual or
25 business entity that was issued an assessment that included
26 penalties under Section 1128 or 1128.1 shall not be in violation of
27 Section 1094 if the assessment is final. The disclosure may also
28 include any of the following:

29 (1) The total amount of the assessment.

30 (2) The amount of the penalty imposed under Section 1128 or
31 1128.1 that is included in the assessment.

32 (3) The facts that resulted in the charging of the penalty under
33 Section 1128 or 1128.1.

34 (v) To enable the Contractors' State License Board to verify the
35 employment history of an individual applying for licensure
36 pursuant to Section 7068 of the Business and Professions Code.

37 (w) To provide any peace officer with the Division of
38 Investigation in the Department of Consumer Affairs information
39 pursuant to subdivision (i) when the requesting peace officer has
40 been designated by the Chief of the Division of Investigations and



1 requests this information in the course of and in part of an
2 investigation into the commission of a crime or other unlawful act
3 when there is reasonable suspicion to believe that the crime or act
4 may be connected to the information requested and would lead to
5 relevant information regarding the crime or unlawful act.

6 ~~SEC. 9.~~

7 *SEC. 15.* This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or safety
9 within the meaning of Article IV of the Constitution and shall go
10 into immediate effect. The facts constituting the necessity are:

11 In order to protect the public health and safety, it is necessary
12 that these changes affecting various licensing boards take effect
13 immediately.

